

which the request is made⁴ or the specific relevant exchanges of the LEC in which number portability is requested.

To the best of the knowledge of four of the five companies, T-Mobile does not provide service within their respective LEC service areas. The rules specify that number portability is required only if requested by "another telecommunications carrier in areas in which that telecommunications carrier is operating or plans to operate."⁵ Furthermore, there is no local interconnection in place between T-Mobile and any of these five LECs, demonstrating the absence of T-Mobile's local presence and any indication of its "plans to operate" within the area.

The Act and the FCC have defined the obligation of a LEC to provide number portability that enables the "users of telecommunication services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another."⁶ If you have facts to indicate that T-Mobile plans to ensure that the customer retains his/her telephone number "at the same location" please provide us with those facts and we will reevaluate our analysis of the T-Mobile request on the basis of these facts.

While we and our clients recognize that pursuant to Section 252 of the Act, carriers are free to "negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers without regard to the standards set forth in subsections (b) and (c) of Section

Fourth Report and Order in CC Docket No. 99-200 and CC Docket No. 95-116, and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 99-200, CC Docket Nos. 99-200, 96-98, 95-116 (rel. June 18, 2003) at para. 10 ("Requesting telecommunications carriers must specifically request portability, identify the discrete geographic area covered by the request, and provide a tentative date by which the carrier expects to utilize number portability to port prospective customers").

⁴ The FCC's orders and rules require local exchange carriers to implement number portability only "in switches for which another carrier has made a specific request" *See, e.g., In the Matter of Telephone Number Portability: First Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd 7236, 7273 (1997); 47 C.F.R. § 52.23(c).

⁵ 47 C.F.R. § 52.23(c).

⁶ 47 U.S.C. § 153(30) (emphasis supplied); 47 C.F.R. § 52.21(k) (emphasis supplied). The FCC has distinguished this "service provider portability" from "location portability," a much different form of portability that the FCC has determined is not required by statute. "Location portability" is defined as "the ability of users of telecommunications services to retain existing telecommunications numbers without impairment of quality, reliability, or convenience when moving from one physical location to another." 47 C.F.R. § 52.21(i) (emphasis supplied).

Ms. Shannon Reilly
July 15, 2003
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251,"⁷ our clients at this time have no need or desire to negotiate an agreement that goes beyond the standards the FCC has set forth pursuant to Section 251. As noted, the geographic portability that would result from the T-Mobile request has not been required by the FCC under Section 251.

Again, we would be pleased to review any additional facts T-Mobile may offer to demonstrate that its request is not for geographic number portability.

Sincerely,

Kraskin, Lesse & Cosson, LLC

By: _____

⁷ 47 U.S.C. § 252(a)(1).

KRASKIN, LESSE & COSSON, LLC
ATTORNEYS AT LAW
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

2120 L Street, N.W., Suite 520
Washington, D.C. 20037

Telephone (202) 296-8890
Telecopier (202) 296-8893

July 23, 2003

VIA E-MAIL & OVERNIGHT DELIVERY

Linda Godfrey
Interconnection, Numbering and Mandates
Verizon Wireless
2785 Mitchell Drive
Walnut Creek, CA 94598

Dear Ms. Godfrey:

Our firm represents several local exchange carriers that have received correspondence from Verizon Wireless regarding number portability.¹ Having analyzed the letters and accompanying forms (collectively, the Verizon Wireless mailings") sent to these companies, we question whether the mailings constitute a valid request for number portability. Moreover, even if the mailings were sufficient, the Verizon Wireless correspondence does not request service provider portability that would enable customers of these LECs to retain their existing telephone numbers "at the same location" as the Act and FCC Rules require.²

The mailings seek only switch information rather than request the implementation of number portability.³ The process of responding to the information request has been "simplified" by Verizon Wireless by allowing carriers to update the attached form, which has been provided for this purpose. This attachment is comprised of a generic form with no carrier or market information indicated and a spreadsheet containing the switch information referenced in the letter. Accordingly, the mailing fails to "specifically request portability" and "identify the discrete geographic area" as required by FCC Rules.⁴ Furthermore, although the generic form

¹ A list of these companies is attached.

² See 47 U.S.C. § 153(30); 47 C.F.R. § 52.21(k).

³ According to the letter, the purpose of the mailing is pursuant to a specific FCC Rule which requires carriers to provide, upon request, "a list of their switches for which provisioning of number portability has been requested (and therefore provided)." The carriers on the attached list have either responded to this information request directly or we are responding on their behalf.

⁴ See *In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability*

specifies the date of the request as May 19, 2003, many of the letters are dated May 28, 2003 with postmark dates well into the month of June. Accordingly, if the mailing was intended to constitute a request for a LEC, which currently is not number portable-capable, to implement number portability by November 24, 2003, the request, in these instances, was not timely made.⁵

The mailing fails to indicate whether Verizon Wireless provides service within the companies' respective LEC service areas. The rules specify that number portability is required only if requested by "another telecommunications carrier in areas in which that telecommunications carrier is operating or plans to operate."⁶ Furthermore, for most of the companies, there is no local interconnection in place between Verizon Wireless and the LEC, demonstrating the absence of Verizon Wireless' local presence and any indication of its "plans to operate" within the area.

The Act and the FCC have defined the obligation of a LEC to provide number portability that enables the "users of telecommunication services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another."⁷ If you have facts to indicate that Verizon Wireless plans to ensure that the customer retains his/her telephone number "at the same location" please provide us with those facts and we will reevaluate our analysis of the Verizon Wireless request on the basis of these facts.

While we and our clients recognize that pursuant to Section 252 of the Act, carriers are free to "negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers without regard to the standards set forth in subsections (b) and (c) of Section 251,"⁸ our clients at this time has no need or desire to negotiate an agreement that goes beyond

Fourth Report and Order in CC Docket No. 99-200 and CC Docket No. 95-116, and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 99-200, CC Docket Nos. 99-200, 96-98, 95-116 (rel. June 18, 2003) at para. 10 ("Requesting telecommunications carriers must specifically request portability, identify the discrete geographic area covered by the request, and provide a tentative date by which the carrier expects to utilize number portability to port prospective customers").

⁵ See 47 C.F.R. § 52.23(b)(2)(iv).

⁶ 47 C.F.R. § 52.23(c).

⁷ 47 U.S.C. § 153(30) (emphasis supplied); 47 C.F.R. § 52.21(k) (emphasis supplied). The FCC has distinguished this "service provider portability" from "location portability," a much different form of portability that the FCC has determined is not required by statute. "Location portability" is defined as "the ability of users of telecommunications services to retain existing telecommunications numbers without impairment of quality, reliability, or convenience when moving from one physical location to another." 47 C.F.R. § 52.21(i) (emphasis supplied).

⁸ 47 U.S.C. § 252(a)(1).

Ms. Linda Godfrey
July 23, 2003
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the standards the FCC has set forth pursuant to Section 251. As noted, the geographic portability that would result from the Verizon Wireless request has not been required by the FCC under Section 251.

Again, we would be pleased to review any additional facts Verizon Wireless may offer to demonstrate that its request is not for geographic number portability.

Sincerely,

Kraskin, Lesse & Cosson, LLC

By: 

Attachment

ATTACHMENT
Updated List of Local Exchange Companies Represented by Kraskin, Lesse & Cosson,
LLC in Matters Pertaining to Correspondence From Verizon Wireless
Regarding Number Portability

Cascade Utilities, Inc.

KRASKIN, LESSE & COSSON, LLC
ATTORNEYS AT LAW
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

2120 L Street, N.W., Suite 520
Washington, D.C. 20037

Telephone (202) 296-8890
Telecopier (202) 296-8893

July 16, 2003

VIA E-MAIL & OVERNIGHT DELIVERY

Fawn Romig
Industry Compliance and Operational Network Support, Numbering Solutions
Sprint PCS
6580 Sprint Parkway
Mailstop: KSOPHW0516-5B360
Overland Park, Kansas 66210

Dear Ms. Romig:

In our letter dated June 9, 2003, and in subsequent e-mails and telephone conversations, we notified you of over seventy companies represented by this firm that have received correspondence from Sprint PCS regarding number portability.¹ Having analyzed the generic letter and accompanying form dated May 23, 2003 (collectively, the Sprint PCS "mailings") sent to these companies, we question whether the mailings constitute a valid request for number portability. Moreover, even if the mailings were sufficient, the Sprint PCS correspondence does not request service provider portability that would enable customers of these LECs to retain their existing telephone numbers "at the same location" as the Act and FCC Rules require.²

The geographic areas specified in the mailings are limited to Metropolitan Statistical Areas ("MSAs"). Twenty-eight of these companies, however, operate wholly outside of any MSA. Additionally, on forms sent to fourteen of the companies that serve within MSAs, no specific market was indicated.³ Accordingly, for these forty-two companies, the mailings fail to identify the "discrete geographic area" as required by the FCC.⁴

An updated list of the companies that we represent in this matter is attached.

² See 47 U.S.C. § 153(30); 47 C.F.R. § 52.21(k).

³ The companies that operate wholly outside of any MSA and ones for which no specific market was indicated are specified with an asterisk on the attached list.

⁴ See *In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability: Fourth Report and Order in CC Docket No. 99-200 and CC Docket No. 95-116, and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 99-200*, CC Docket Nos. 99-200, 96-98, 95-116 (rel. June 18, 2003) at para. 10 ("Requesting telecommunications carriers must specifically request portability, identify the discrete geographic area covered by the request, and

Further, in at least two instances, the request was sent to the wrong company⁵ and in many instances the switch information contained on the forms is incorrect.⁶ For example, one company received a mailing that identifies the switches of the company's affiliate rather than the company's switches.⁷

The mailing fails to indicate whether Sprint PCS provides service within the companies' respective LEC service areas. The rules specify that number portability is required only if requested by "another telecommunications carrier in areas in which that telecommunications carrier is operating or plans to operate."⁸ Furthermore, for most of the companies, there is no local interconnection in place between Sprint PCS and the LEC, demonstrating the absence of Sprint PCS' local presence and any indication of its "plans to operate" within the area.

The Act and the FCC have defined the obligation of a LEC to provide number portability that enables the "users of telecommunication services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another."⁹ If you have facts to indicate that Sprint PCS plans to ensure that the customer retains his/her telephone number "at the same

provide a tentative date by which the carrier expects to utilize number portability to port prospective customers").

⁵ Hancock Telephone Company located in New York received a mailing directed to Hancock Rural Telephone Cooperative located in Indiana and ComSouth Telecommunications, Inc. received a mailing directed to Hawkinsville Telephone Company, a company that no longer exists.

⁶ The FCC's orders and rules require local exchange carriers to implement number portability only "in switches for which another carrier has made a specific request" *See, e.g., In the Matter of Telephone Number Portability: First Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd 7236, 7273 (1997); 47 C.F.R. § 52.23(c).

⁷ Although the correspondence is addressed to Horry Telephone Cooperative, Inc., the form specifies switches which belong to an affiliated, but separate company, HTC Communications, Inc.

⁸ 47 C.F.R. § 52.23(c).

⁹ 47 U.S.C. § 153(30) (emphasis supplied); 47 C.F.R. § 52.21(k) (emphasis supplied). The FCC has distinguished this "service provider portability" from "location portability," a much different form of portability that the FCC has determined is not required by statute. "Location portability" is defined as "the ability of users of telecommunications services to retain existing telecommunications numbers without impairment of quality, reliability, or convenience when moving from one physical location to another." 47 C.F.R. § 52.21(i) (emphasis supplied).

Ms. Fawn Romig
July 16, 2003
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location" please provide us with those facts and we will reevaluate our analysis of the Sprint PCS request on the basis of these facts.

While we and our clients recognize that pursuant to Section 252 of the Act, carriers are free to "negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers without regard to the standards set forth in subsections (b) and (c) of Section 251,"¹⁰ our clients at this time has no need or desire to negotiate an agreement that goes beyond the standards the FCC has set forth pursuant to Section 251. As noted, the geographic portability that would result from the Sprint PCS request has not been required by the FCC under Section 251.

Again, we would be pleased to review any additional facts Sprint PCS may offer to demonstrate that its request is not for geographic number portability.

Sincerely

Kraskin, Lesse & Cosson, LLC

By: 

¹⁰ 47 U.S.C. § 252(a)(1).

ATTACHMENT

**List of Companies Represented by Kraskin, Lesse & Cosson, LLC in Matters
Pertaining to Correspondence From Sprint PCS Regarding Number Portability**

Cascade Utilities, Inc.